

# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 16 FY 91/92

DATE June 1, 1992

EXECUTIVE ORDER DESIGNATING THE STATE AGENCIES  
RESPONSIBLE FOR WATER QUALITY CERTIFICATION

WHEREAS, Section 401 of the federal Clean Water Act provides that any applicant for a federal license or permit to conduct any activity which may result in any discharge into navigable waters shall obtain a certification from the state in which the discharge originates or will originate that any such discharge will comply with state water quality standards and with all applicable provisions of the Clean Water Act; and

WHEREAS, the activities subject to the provisions of Section 401 of the Clean Water Act include, but are not limited to, the construction and continued operation of hydropower projects; dredging, filling or construction of structures in certain waterways and wetlands; and the discharge of pollutants into navigable waterways; and

WHEREAS, the review under state law of activities subject to the provisions of Section 401 of the Clean Water Act is the responsibility of the Department of Environmental Protection and/or the Land Use Regulation Commission; and

WHEREAS, it is important to assure that the State's regulatory resources are expended in an effective and efficient way; and

WHEREAS, the Governor of the State of Maine is authorized to designate the agency within the State that will certify compliance with applicable water quality standards developed by the State, which agency is termed the "certifying agency";

NOW, THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby designate the Land Use Regulation Commission the "certifying agency" for all activities located wholly within areas of LURC's regulatory jurisdiction under Title 12, MRSA, Chapter 206-A.

FURTHER, I do hereby designate the Department of Environmental Protection the "certifying agency" for all activities located in whole or in part within organized municipalities subject to DEP's regulatory jurisdiction.


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FURTHER, I do hereby direct that the Department of Environmental Protection provide staff analysis and assistance as necessary in all water quality certification proceedings before the Land Use Regulation Commission, and that the DEP consult with LURC in all water quality certification proceedings before the Department for activities affecting the resources of the unorganized territories.

This Executive Order applies to all water quality certification proceedings pending on or after the date of this Order.

This Executive Order supercedes Executive Order 8 FY 85/86.

The effective date of this Order is June 1, 1992.

  
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John R. McKernan, Jr., Governor